**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**WRIT PETITION NO. 5886 OF 2005**

Shri. Mallappa Mesappa Kamble ... Petitioner
Versus
The State of Mah. and Ors. ... Respondents

Mr. R.V. More with Mr. Amit Sale for Petitioner.
Mr. V.P. Malwankar, A.G.P. for R. Nos. 1 to 3.
Mr. A.P. Kulkarni for R. No. 5.

**CORAM : F.I. REBELLO &**
**DR.D.Y.CHANDRACHUD,JJ.**
**DATED : JANUARY 23, 2006**

P.C.

. Rule. Heard forthwith.

. In view of the order to be passed, it is not necessary to go into various allegations and facts. On behalf of Respondent No.5 their learned counsel on instructions makes a statement that the Respondent No. 5 will resign from the post of Sarpanch of village Ankalgi, Taluka Jath and that the formal letter of resignation will be forwarded to the authorities before 5.00 p.m. on 25.1.2006.

. In view of the statement made the post of Sarpanch of village Ankalgi, taluka Jath will be vacant from 5.00 p.m. on 25.1.2006.

. It will be open to the Up-sarpanch to discharge functions of Sarpanch as and from that date till fresh elections are held to the post.

. If the respondent No. 5 in terms of the statement made to this court, does not hand over the letter of resignation, Petition will be made absolute in terms of the Prayer Clause (b).

. If the respondent No. 5 applies for the caste certificate before Sub Divisional Officer, Sub Divisional Officer to dispose of the said application for caste certificate not later than four weeks from the date of receipt of the application. Rule made absolute accordingly. No order as to costs.

. It is made clear that considering the statement made by Respondent No.5 that she is resigning from the post, we have not decided on merits the respondent No. 5’s claim that Respondent No. 5 of belonging to the S.C. category. It is further made clear, that Respondent No. 5 will not rely on the caste certificate received to claim any benefits.

**(F.I. REBELLO,J.)**

**(DR. D.Y. CHANDRACHUD,J.)**